

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 25, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-34467 - APPLICANT: COLLEGE OF SOUTHERN NEVADA - OWNER: UNIVERSITY BOARD OF REGENTS

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to allow an eight-foot retaining wall where four feet is the maximum height allowed on an undeveloped portion of a site at the northeast corner of Oakey Boulevard and Torrey Pines Drive. The existing grade along the eastern property line, which is adjacent to Opportunity Village is approximately six to eight feet below the finished grade of Torrey Pines Drive. The proposed eight-foot retaining wall is required for proper drainage of the subject site to Torrey Pines Drive, away from the Opportunity Village site to the east. The proposed Variance will not jeopardize the health, safety or general welfare of the public; therefore, staff is recommending approval as the applicant has submitted evidence of a unique or extraordinary circumstance. If the proposed Variance were denied, the site would remain vacant and undeveloped; unless an alternative design could be achieved to allow for better onsite drainage.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
07/24/73	A deed was recorded for a change of ownership on the subject site.
11/07/84	The City Council approved a request to Annex (A-0016-84) 79.1 acres (Ordinance #3145), including the subject site. The effective date of the Annexation was 11/16/84.
10/07/87	The City Council approved a request for a Plot Plan Review and Rezoning (Z-0089-87) of 80 acres from N-U (Non-Urban) to C-V (Civic) and for a 22,000 square-foot Health Sciences Center on property located on the southeast corner of Charleston Boulevard and Torrey Pines Drive. The Planning Commission and staff recommended approval on 09/22/87.
08/24/89	The Board of Zoning Adjustment approved a Variance (V-0086-89) to allow an after school Child Care Center in conjunction with an existing non-profit handicapped training center on property located at 6200 West Oakey Boulevard. Staff recommended approval of the request.
01/08/98	The Planning Commission approved a Site Development Plan Review [(Z-0089-87(1))] for a 15,400 square-foot one-story Radio Broadcast Facility on 1.52 acres and a Site Development Plan Review [Z-0089-87(2)] for a 107,000 square-foot four-story classroom building at the northeast corner of Del Rey Avenue and Torrey Pines Drive. Staff recommended approval of the request.
06/11/98	The Planning Commission approved a Site Development Plan Review [Z-0089-87(3)] for a 12,105 square-foot addition to an existing structure at the northeast corner of Del Rey Avenue and Torrey Pines Drive. Staff recommended approval of the request.

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11/17/99	The City Council approved a Site Development Plan Review [Z-0089-87(4)] for a spotlight on an existing clock tower at 6375 West Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
07/05/01	The City Council approved a request for a Site Development Plan Review [Z-0089-87(5)] for two soccer fields and a park on 7.18 acres at the northeast corner of Oakey Boulevard and Torrey Pines Drive. The Planning Commission and staff recommended approval on 06/14/01.
11/06/03	The Planning Commission approved a Site Development Plan Review (SDR-3139) for a 30,000 square-foot Community College facility adjacent to the northeast corner of Torrey Pines Drive and Oakey Boulevard.
12/18/03	The Planning Commission approved a Site Development Plan Review (SDR-3329) for a Community College classroom building on 4.31 acres at 1289 South Torrey Pines Drive.
05/11/07	A Reversionary Map (PMP-21910) was submitted for the reversion to acreage of three lots on 75.82 acres at the southeast corner west of Torrey Pines Drive and Charleston Blvd. The map has not been recorded to date.
02/06/08	The City Council approved a Rezoning (ZON-25490) from R-E (Residence Estates) to C-V (Civic) on 6.89 acres adjacent to the west side of Community College Drive, approximately 750 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval of the request.
06/25/09	The Planning Commission will hear a related Site Development Plan Review (SDR-34459) for a proposed 15,078 square-foot Fire Station and Instructional Center on a portion of a 75.82 acre site at the northeast corner of Oakey Boulevard and Torrey Pines Drive. Staff is recommending approval of the related item.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or related business licenses on the subject site, as it is a vacant parcel.	
<i>Pre-Application Meeting</i>	
04/08/09	A pre-application meeting was completed on the indicated date. The following items were discussed at the meeting: <ul style="list-style-type: none"> • The proposed eight-foot retaining wall was discussed. • Differences in existing and proposed pad heights.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
05/21/09	A field check was completed on the indicated date. The following items were noted on the field check. <ul style="list-style-type: none"> • Staff noted that the overall site is vacant. The change in grade was also noted on the site inspection.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	75.82 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	PF (Public Facilities)	C-V (Civic)
North	Convenience Store, Retail and Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
South	Assisted Living Facility	SC (Service Commercial)	PD (Planned Development)
East	Lied Opportunity Center	PF (Public Facilities)	C-V (Civic)
West	Bonanza High School	PF (Public Facilities)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
C-V (Civic) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.12.075 Wall Standards

<i>Landscape, Wall and Buffer Requirements</i>			
<i>Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Retaining Wall Height	4 Feet	8 Feet	N

ANALYSIS

Pursuant to Title 19.12.075, "The maximum height of the retaining wall shall be four feet." The proposed retaining wall is eight feet in height and is indicated as CMU block. The requested Variance is required for proper drainage of the subject site to Torrey Pines Drive, which is necessary for the development of the site. The subject Variance represents a deviation of 100%. The Variance is appropriate given the existing topography of the subject site and will not jeopardize the health or safety of the general public; therefore, staff is recommending approval of the request.

BTS

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FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Evidence of a unique or extraordinary circumstance has been presented, in that exceptional topographic conditions exist at the subject site, which would result in an undue hardship on the owner of the property. In view of the site’s physical characteristics, it is concluded that the applicant’s hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 342

APPROVALS 1

PROTESTS 0